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FACSIMILE 301-754-6495

*** **FACSIMILE TRANSMISSION COVER SHEET** ***

DATE: February 25, 2002

E.D.T. (U.S.A.)

TO:

FAX NO.: 703-305-7939

Name: Examiner Fernando Prats
Art Unit 1651
U.S. Patent and Trademark Office

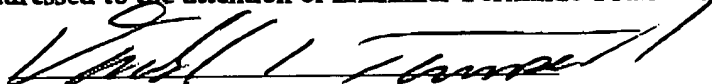
FROM:

FAX NO.: 301-754-6495

Name: Donald E. Townsend
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TOTAL NUMBER OF SHEETS INCLUDING THIS PAGE: 9

Comments: Pursuant to our discussion of 2/25/02, enclosed is a copy of a response mailed on February 11, 2002. I would appreciate your consideration of this response.
I hereby certify that this correspondence is being transmitted by facsimile to the U.S. PTO at 703-305-7939 and addressed to the attention of Examiner Fernando Prats at Art Unit 1651 on February 25, 2002.



IF YOU DO NOT RECEIVE ALL SHEETS, PLEASE CALL (301) 681-5948.

**** CONFIDENTIALITY NOTE ****

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SERIAL NO.: 09/147,237

GROUP: 1651

FILED: April 20, 1999

EXAMINER: F. Prats

TITLE: Immunopotentiators

THE COMMISSIONER OF PATENTS
AND TRADEMARKS
WASHINGTON, D.C. 20231

SIR:

TRANSMITTED HERewith IS AN ☐ AMENDMENT, ☐ REPLY, ☒ RESPONSE AFTER FINAL REJECTION IN THE ABOVE-
IDENTIFIED APPLICATION.

☐ Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a verified statement previously submitted.

☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

☒ No additional fee is required.

THE FEE HAS BEEN CALCULATED AS SHOWN BELOW:

| CLAIMS | REMAINING AFTER AMENDMENT | | HIGH.# PREV. PAID FOR | PRESENT EXTRA | SMALL ENTITY RATE ADD'L FEE | OTHER THAN A SMALL ENTITY RATE ADD'L FEE |
|--------|---------------------------------|-------|-----------------------------|------------------|-----------------------------------|---|
| TOTAL | 7 | MINUS | 20 | = 0 | X9=\$ | X18=\$0 |
| INDEP. | 2 | MINUS | 3 | = 0 | X42=\$ | X84=\$0 |

| | | | |
|--|-----------------------|---------|---------|
| <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM | | +140=\$ | +280=\$ |
| | TOTAL ADD'L FEE | | -0- |

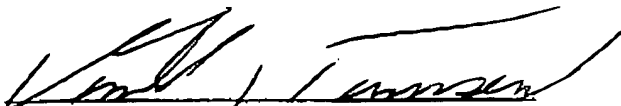
☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 20-1424. A duplicate copy of this sheet is attached.

- ☒ Any additional filing fees under 37 C.F.R. 1.16 for the presentation of extra claims.
☒ Any patent application processing fees under 37 C.F.R. 1.17.
☒ Any extensions of time under 37 C.F.R. 1.17.

☐ Please charge my deposit account No. 20-1424 in the amount of \$

☐ A check in the amount \$ -0- is attached.

Date: February 11, 2002


Donald E. Townsend
Attorney of Record
Registration No. 22,069

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DOCKET NO. TOS-123-USA-C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
E. YAGI, et al.

Serial No.: 09/147,237

Art Unit: 1651

Filed: April 20, 1999

Examiner: F. Prats

For: Immunopotentiators

RESPONSE AFTER FINAL REJECTION

NON-FEE AMENDMENT

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

Responsive to the official final Office Action mailed December 10, 2001, in the matter of the above-identified application, applicant hereby responds as follows:

REMARKS

Reconsideration is respectfully requested of the rejection of Claims 1-4 and 15-17 under 35 U.S.C. § 102(b) as being anticipated by N'Guyen, et al., U.S. Patent 5,023,235.

Applicants hereby traverse the final rejection of Claims 1-4 and 15-17 on N'Guyen on the ground that the final rejection is contrary to a number of well settled principles of patent law. Each of these principles and the proper application of the law in this case is discussed hereinafter as follows:

The first issue presented is whether the N'Guyen reference is considered as a whole in the final rejection. Applicants respectfully submit that the answer is in the negative because the final rejection completely disregards major portions of the N'Guyen

DOCKET NO. TOS-123-USA-C

CERTIFICATE OF MAILING

I hereby certify that this response and transmittal in Docket No. TOS-123-USA-C, Serial No. 09/147,237 is being deposited with the

United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents
Washington, D.C 20231

on February 11, 2002.

Donald E. Townsend

